



DOCKET NO: E0295.70139US00

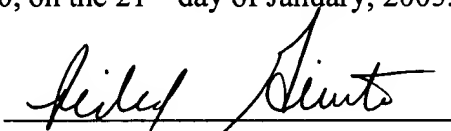
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven M. Blumenau et al.
Serial No: 09/751,684
Confirmation No: 9139
Filed: December 29, 2000
For: METHOD AND APPARATUS FOR MANAGING ACCESS
TO STORAGE DEVICES IN A STORAGE SYSTEM WITH
ACCESS CONTROL

Examiner: McLean-Mayo, Kimberly N.
Art Unit: 2187

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 21st day of January, 2005.



Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- ☒ Amendment
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

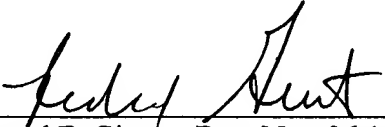
Serial No.: 09/751,684

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Art Unit: 2187

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Steven M. Blumenau et al., Applicants

By: 
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Docket No. E0295.70139US00

Date: January 21, 2005

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REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action mailed October 20, 2004, Applicants respectfully request reconsideration. Claims 1-66 are pending in this application. The Office Action rejected claims 1-13, 15-21, 23-41, 43-57 and 60-66 under 35 U.S.C. §102(e) as purportedly being unpatentable over O'Hare (6,484,173). The Office Action also rejected claims 14, 22, and 59 under 35 U.S.C. §103(a) as purportedly being obvious over O'Hare, and rejected claims 42 and 58 under 35 U.S.C. §103(a) as purportedly being obvious over O'Hare in view of Monsen (Publication No. 2003/0050962). Applicants respectfully traverse each of these rejections.

Initially, Applicants thank Examiner McLean-Mayo for the courtesies extended during the telephone interview of January 20, 2005. The substance of the interview is summarized herein.

During the telephone interview, Applicants discussed the Response to Arguments section on pages 12-13 of the Office Action, which asserts that “when a pass override is set, a system call is allowed access to the device even when data access privileges are prevented to that device.” Applicants explained that claim 1 distinguishes over the pass override feature of O’Hare, as the pass override feature does not involve a determination of whether a device has access based on the identity of the device. Rather, O’Hare discloses that, when a pass override is set, system calls are permitted regardless of the identity of the requestor or any other access settings pertaining to the requestor (O’Hare, Col. 13, lines 24-27). This is different from claim 1, which recites, “determining, **based, at least in part, on an identity of the first device**, whether the first device is authorized to have non-media access to the logical device (emphasis added).”

The Examiner agreed that the above-discussed limitation of claim 1 may distinguish over the pass override feature of O’Hare, but asserted that O’Hare discloses determining whether a requestor has system call privileges based on the identity of the requestor when a pass override is not set, as O’Hare discloses checking the access privileges of the requestor when a system call is received, as shown at step 226 in Figure 6. Applicants note that this argument was raised previously in the Office Action mailed October 10, 2003 (*see* pages 2-3 of October 10 Office Action) and responded to in Applicants’ response mailed December 29, 2003 (*see* page 18, line 27- page 20, line 4 of December 29 response).

Specifically, in the December 29, 2003 response, Applicants noted that claim 1 requires determining whether a first device is authorized to have non-media access to a logical device in response to a non-media access request by the first device, “to a logical device at the shared resource **for which the first device has no data access privileges** (emphasis added).”

Applicants pointed out that there is simply no teaching or suggestion in O’Hare of authorizing a non-media access request to a logical device **from a device that has no data access privileges for that logical device**. O’Hare discloses that for some system calls, the nature of the access control includes performing read and write operations, whereas other system calls involve the

performance of only system administrative calls (O'Hare, Col. 10, lines 13-14). This does not disclose what is recited in claim 1 for several reasons.

First, to the extent a system call referenced by O'Hare includes performing read and write operations, such a system call would not meet the above-recited definition of a "non-media access request" as defined in the present application.

Second, O'Hare does not disclose the authorizing of a non-media access request to a logical volume for a device that lacks data access privileges to that logical device. There is simply no teaching in O'Hare to authorize a non-media access request to a logical device from a device that lacks data access privileges to that logical device.

During the telephone interview, Applicants also reiterated that O'Hare and the present application are commonly assigned. Because O'Hare qualifies as prior art only under 35 U.S.C. §102(e), O'Hare cannot be used in a rejection under 35 U.S.C. §103 (*see* 35 U.S.C. §103(c)). Thus, the rejection of claims 14, 22, 42, 58, and 59 under 35 U.S.C. §103(a) is improper and should be withdrawn.

Request for Interview

During the telephone interview, the Examiner proposed scheduling another interview after she has had a chance to review this response. Accordingly, Applicants respectfully request that the Examiner contact the undersigned if any open issues remain.

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CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Steven M. Blumenau et al., Applicant(s)

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